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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DANIEL A. NIX,

13 Defendant.

Case No. CR17-105RSL

ORDER GRANTING  
MOTION FOR EARLY  
TERMINATION OF  
SUPERVISED RELEASE

14 This matter comes before the Court on defendant's "Motion for Early Termination of  
15 Probation" (Dkt. # 272). Having reviewed the motion, the Government's opposition (Dkt.  
16 # 274), and the record herein, the court GRANTS the motion.

17 On April 5, 2017, defendant was charged by Indictment with nine counts of Attempted  
18 Evasion of Payment of Taxes, four counts of Attempted Evasion of Assessment of Taxes, eleven  
19 counts of Presentation of Fictitious Financial Obligations, and one count of Corrupt Interference  
20 with the Administration of the Internal Revenue Code. Dkt. # 212. In 2018, a jury found the  
21 defendant guilty on all 25 counts, and this Court sentenced defendant to a five-year term of  
22 imprisonment followed by a five-year term of supervised release and ordered \$851,904.94 in  
23 restitution to the Internal Revenue Service. Dkt. # 212 at 1–3, 5–6.

24 Defendant began his term of supervised release on September 23, 2022, and has been  
25 compliant on supervision and contributed approximately \$288,288.55 towards restitution. *See*  
26 Dkt. # 274 at 3. Defendant asserts that he will continue to allocate 10% of all his earnings  
27 towards restitution. Dkt. # 272 at 2. Defendant has no prior convictions, and the Government  
28 agrees that defendant is "considered a low risk to reoffend." Dkt. # 274 at 3. Defendant now

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1 requests early termination of supervised release. Dkt. # 272. The Government opposes the  
2 motion (Dkt. # 273), and the United States Probation Office supports early termination.

3 After a defendant completes at least one year of the supervised release term, the Court  
4 may terminate his term of supervised release “if it is satisfied that such action is warranted by  
5 the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1).  
6 Defendant’s time on supervised release now exceeds one year; therefore, consideration of early  
7 termination of supervised release is statutorily permissible. The Court must consider several  
8 factors in deciding whether early termination is appropriate, including the nature and  
9 circumstances of the offense, the history and characteristics of the defendant, the need to deter  
10 criminal conduct and protect the public from further crimes, to provide the defendant with  
11 correctional treatment in the most effective manner, and the need to avoid disparity among  
12 similarly situated defendants. 18 U.S.C. § 3583(e) (citing to factors listed by 18 U.S.C. §  
13 3553(a)); *see United States v. Emmett*, 749 F.3d 817, 820 (9th Cir. 2014). More so,  
14 “‘exceptionally good behavior by the defendant’ may warrant termination of supervised  
15 release.” *United States v. Ponce*, 22 F.4th 1045, 1047 (9th Cir. 2022).

16 After careful consideration, the Court finds early termination is appropriate. Defendant  
17 has complied with the terms of his supervision, has obtained and maintained employment, has  
18 diligently paid a percentage of his income towards restitution, and is at low risk of reoffending.  
19 In the Court’s view, the factors are sufficient to terminate supervised release.

20 For the foregoing reasons, defendant’s “Motion for Early Termination of Probation”  
21 (Dkt. # 272) is GRANTED.

22  
23 DATED this 20<sup>th</sup> day of May, 2024.

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27 Robert S. Lasnik  
28 United States District Judge